THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4531 of 2007

Date: 08.03.2007

Between:

Penukonda Venkateswara Rao and others.

....Petitioners

And

Divisional Officer (Operations), A.P.Eastern Power Distribution of Company Limited, Nidadavolu, West Godavari District and another.

....Respondents

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O R D E R:

Petitioners 1 to 4 are sons of one Sri Rama Rao. Themselves and their father constituted a joint family. The Family had obtained about four service connections for agricultural purposes. The 5th petitioner had five agricultural service connections in his name. According to him, there was a family partition between himself, his father and his sisters and that as of now, there are three connections in his name. Petitioners 6 and 7 are sons of one Sri Krishna Murthy. This family had four connections and it is stated that after partition in the family, they have got one connection each, towards their share. The 8th petitioner had five service connections in his name from the year 1970. According to him, as a result of the partition between himself and his sons, there are only three connections in his name. Their grievance is about the extension of the benefit of free power supply to them.

The benefit of free power supply is available only to such farmers, who have three or less number of service connections in their names. Since the families of the petitioners herein possessed more than three connections, they were denied the benefit of free power supply. They submitted applications for change of the names of the consumers, in the light of the partitions in the respective families. Alleging that no action has been taken thereon, some of the petitioners approached this Court by filing W.P.No.26785 of 2005. It was disposed of on 15.12.2005 directing the respondents herein to pass appropriate orders on the representations made by the petitioners therein, within a period of six weeks.

The grievance of the petitioners is that the first respondent is insisting on submission of Clearance Certificate from the second respondent and the latter, in turn, is insisting on payment of electricity chares up to date. They seek necessary relief, in this regard.

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

As the things stand now, the petitioners are not entitled to the benefit of free power supply, since more than three service connections are existing in the name of same individual. The mere fact that partition has taken

place in the family does not become relevant, in this regard, unless necessary mutations or amendments in the concerned records have taken place. The efforts of the petitioners, for this purpose, did not fructify.

As long as more than three service connections stand in the name of an individual, the benefit of free power supply cannot be extended. At the same time, the respondents cannot sit over the applications of the petitioners, for necessary changes in the light of the family partitions. It is stated that the partitions are reflected even in the revenue records. The petitioners have already been put to disadvantage and were denied the benefit of free power supply.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, directing that -

a) The first respondent shall take necessary steps for transfer of service connections, after due verification about the partition within the family, on payment of the dues of consumption charges from 01.04.2005 to 01.03.2007, within one (1) month from today;

b) In case, the first respondent finds that the transfer cannot be made, as prayed for, by the

petitioners, he shall pass reasoned orders, in this regard; and

c) The liability of the petitioners to pay the consumption charges, subsequent to 01.03.2007 would depend upon the nature of orders, that may be passed; and it shall be open to the petitioners to work out their remedies. The power supply to the petitioners shall not be disconnected, pending such exercise.

There shall be no order as to costs.

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08.03.2007

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